

1 Leon Jon Bonney, Esq. (SBN 109010)
Bonney & Associates Attorney at Law
2 825 Van Ness Avenue, Suite 304
San Francisco, CA 94109-7837
3 Tel: 1-415-986-0115 Fax: 1-415-236-6479
Email Bonney@Lbonney.com
Email PACER ECF/ECM only: ljbonney@earthlink.net

4 Attorney for Debtor

5 **UNITED STATES BANKRUPTCY COURT**
6 **NORTHERN DISTRICT OF CALIFORNIA**

7
8 In re:
Brian K Powell

9 Debtor

10 Litton Loan Servicing LP, Servicer For
11 Goldman Sachs Mortgage Company
12 Movant

Case No. 10-33410 DM Ch. 13

R.S. No.: MDE-975

**DECLARATION IN SUPPORT OF
DEBTOR'S OPPOSITION TO MOTION FOR
RELIEF**

Hearing Date: July 7, 2011 Time: 9:30 a.m.

Judge: Montali

Place: Courtroom 22 - 235 Pine Street
San Francisco, CA 94104

14 **DECLARATION**

15 I, Leon Jon Bonney, declare as follows:

16 This declaration is submitted in support of debtor's (Debtor) opposition to the motion
17 for relief of Litton Loan Servicing LP, Servicer For Goldman Sachs Mortgage Company
18 (Movant). I am the counsel of record for debtor.

19 By letter addressed to debtor's counsel, which letter was dated May 3, 2011, Movant
20 offered "(r)elocation assistance" in the amount of "\$9,376.53 or more" in exchange for a
21 "deed-in-lieu." Movant's letter indicated the "(o)ffer expires: 6/2/2011." Attached hereto and
incorporated herein by reference as EXHIBIT 1 is a true copy of the letter.

22 By letter dated May 31, 2011 counsel for debtor responded in writing to Movant's offer.
23 Attached hereto and incorporated herein by reference as EXHIBIT 2 is a true copy of the letter.
24 The letter was mailed via U.S. Post and faxed to 1-713-966-8814. Both the address and the fax
25 number were drawn from Movant's offer letter.

26 Movant responded to the letter of May 31, 2011 by letter dated June 13, 2011
27 acknowledging my letter of May 31, 2011 wherein the offer of "cash for keys" in exchange for

1 a deed-in-lieu was accepted. Attached hereto and incorporated herein by reference as
2 EXHIBIT 2 is a true copy of the letter.

3 Movant filed its motion for relief on June 16, 2011. Movant has made no effort to
4 perform under the contract "cash for keys." Counsel for debtor spoke with Movant's counsel
5 regarding the issue of "cash for keys" on June 23, 2011. As of the writing of this opposition
6 counsel for debtor has received no further communication from Movant or their counsel.

7 I declare under penalty of perjury, under the laws of the United States of America, that
8 the foregoing is true and correct according to my knowledge, information and belief. This
9 declaration is executed in San Francisco, California, on the date noted below.

10 RESPECTFULLY SUBMITTED,

11 /s/ Leon Jon Bonney
12 Leon Jon Bonney
13 Attorney at Law SBN: 109010
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Dated: July 2, 2011

CERTIFICATE OF SERVICE

I, Leon Jon Bonney, hereby certify that I am an active member of the State Bar of California, Member Number 109010, and I am not a party to the within action. My business address is 825 Van Ness Avenue, Suite 304 San Francisco, CA 94109-7837.

On July 2, 2011, a true and accurate photo-copy of the following named document(s) was/were served by one or more of the methods checked below. As to those parties that have consented to service via ECF/ECM (PACER) "Electronic Mail Notice List" those parties are served exclusively, *unless otherwise noted*, via ECF/ECM (PACER) "Electronic Mail Notice List" as identified below.

• DECLARATION IN SUPPORT OF DEBTOR'S OPPOSITION TO MOTION FOR RELIEF

Mark D. Estle, Esq.
The Estle Law Firm
12520 High Bluff Drive, Suite 265
San Diego, California 92130
FAX 1-858-720-0092
ATTORNEY FOR MOVANT

David Burchard, Trustee
393 Vintage Park Drive Ste 150
Foster City, CA 94404
TRUSTEE VIA PACER

☒ First Class US Post Service

☒ Facsimile Transmission

☐ Certified Mail Per FRBP 7004(h)

☐ Electronic Mail ("E-mail")

☐ Overnight Express via

☐ Federal Express

☐ Personal Hand Delivery

☒ PACER "Electronic Mail Notice List"

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on July 2, 2011, in San Francisco, California.

/s/ Leon Jon Bonney

By: Leon Jon Bonney SBN 109010

EXHIBIT 1



4828 Loop Central Drive
Houston, TX 77081
Telephone (800) 999-8501
Fax (713) 966-8814
www.littonloan.com

5/3/2011

Leon Jon Bonney in Care Of
Brian K Powell, Nicole Powell
Bonney and Assoc.
825 Van Ness Avenue
#304
San Francisco CA, 94109

Avoid foreclosure with a short sale or deed-in-lieu.

Loan #: 19760958
Property address: 981 Ingerson Ave
San Francisco CA, 94124

Relocation assistance: \$9,376.53 or more

Offer expires: 6/2/2011

Call (800) 999-8501 now for more information about this limited-time offer!

Dear Mortgagor(s):

Are you behind on your mortgage payments and facing foreclosure?

Losing your home in a foreclosure sale can have an adverse impact on your credit report and may affect your ability to obtain a loan in the future.

Litton Loan Servicing LP has a number of options to assist customers who can no longer afford to remain in their home and want to avoid the negative effects of foreclosure.

Consider your options

If you are struggling to keep up with your monthly payments, a short sale or deed-in-lieu of foreclosure may be the right option for you.

- A short sale enables you to sell your property to a third party and settle your mortgage balance for less than the amount owed.
- A deed-in-lieu allows you to voluntarily transfer the ownership of your property to the noteholder in exchange for a cancellation of the debt.

Take advantage of these benefits

Selling your property or turning over the deed will stop foreclosure proceedings, eliminate or reduce your mortgage debt, and may lessen the impact on your credit.

→ You will also receive a **cash payment of \$9,376.53 or more** once your short sale or deed-in-lieu transaction is complete. This money can be used to help with your relocation costs and other expenses!

Call today to get the relief you need

Don't fall further behind on your mortgage payments – call (800) 999-8501, by 6/2/2011, to learn more about the benefits of a short sale or deed-in-lieu and how to receive at least \$9,376.53 in relocation assistance. I am available Monday through Friday from 8 a.m. to 5 p.m. (CST) to discuss your options and answer your questions.

Sincerely,

Loss Mitigation Department
Litton Loan Servicing LP

P.S. Act now to avoid foreclosure and receive \$9,376.53 or more in relocation assistance! Call (800) 999-8501, today.

LITTON LOAN SERVICING LP IS A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT YOUR DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

If you are not obligated on the debt or if the debt has been discharged in a bankruptcy proceeding, this is for informational purposes only and is not an attempt to assess or collect the debt from you personally.

Attention Servicemembers and Dependents: The federal Servicemembers Civil Relief Act and certain state laws provide important protections for you, including prohibiting foreclosure under most circumstances during and nine months after the servicemember's military or other service. Litton will not foreclose on the property of a servicemember or his or her dependent during that time, unless pursuant to either (a) a court order or a servicemember's written waiver of relief. 9992.0025.022811132553

EXHIBIT 2
LEON JON BONNEY, ESQ.
ATTORNEY AT LAW
BONNEY & ASSOCIATES
825 VAN NESS AVENUE, SUITE 304
SAN FRANCISCO, CA 94109-7891

TEL (415) 986-0115 FAX (415) 236-6479
Email: bonney@lbonney.com Web: www.lbonney.com

May 31, 2011

Litton Loan Servicing LP
Loss Mitigation Department
4828 Loop Central Drive
Houston TX 77081

- Via Fax Transmission to 1-713-966-8814 and US Mail

Re Brian K Powell Ch 13 # 10-33410 DM
 981 Ingerson Avenue, San Francisco, CA 94124
 Loan No. 19760958
 Acceptance of Litton Loan Service Offer for Relocation Assistance in Exchange for Deed-In-Lieu

Dear Agent, Litton Loan Servicing LP

My client, Brian Powell, accepts the offer contained in your letter dated May 3, 2011, for relocation assistance in exchange for Deed-In-Lieu. A copy of your letter is attached for your reference. Please advise as to the next step.

Ms Nicole Powell has relinquished all of her right, title and interest in the above-referenced real property pursuant to court order in the form of an Interspousal Transfer Grant Deed recorded July 7, 2010 in the Recorder-Assessor's Office County of San Francisco.

Cordially,



Leon Jon Bonney
Attorney at Law
Cc: Brian K Powell
W/attachments

LJB/mmi



4828 Loop Central Drive
Houston, TX 77081
Telephone (800) 999-8501
Fax (713) 966-8814
www.littonloan.com

5/3/2011

Leon Jon Bonney in Care Of
Brian K Powell, Nicole Powell
Bonney and Assoc.
825 Van Ness Avenue
#304
San Francisco CA, 94109

Avoid foreclosure with a short sale or deed-in-lieu.

Loan #: 19760958
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Call today to get the relief you need

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Sincerely,

Loss Mitigation Department
Litton Loan Servicing LP

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Attention Servicemembers and Dependents: The federal Servicemembers Civil Relief Act and certain state laws provide important protections for you, including prohibiting foreclosure under most circumstances during and nine months after the servicemember's military or other service. Litton will not foreclose on the property of a servicemember or his or her dependent during that time, unless pursuant to either a court order or a servicemember's written waiver agreement.

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9992.0025.022811132553

EXHIBIT 3



4828 Loop Central Drive
Houston, TX 77081
Telephone (866) 326-5235
Fax (713) 966-8814
www.littonloan.com

June 13, 2011

Bonney and Associates
Attention: Leon Jon Bonney, Attorney at Law
825 Van Ness Avenue, Suite 304
San Francisco, CA 94109-7891

Re: Loan Number: 19760958
 Mortgagors: Brian K. Powell and Nicole Powell
 Property: 981 Ingerson Avenue
 San Francisco, CA 94124

Dear Leon Jon Bonney, Attorney at Law:

Thank you for your correspondence received on June 3, 2011, regarding the referenced loan.

We acknowledge your client's intention to obtain a Deed-in-Lieu for the referenced property.

During a pending bankruptcy, loss mitigation reviews are handled by our bankruptcy counsel, Brice, Vander Linden, and Wernick, PC ("Brice"), and our Bankruptcy Loss Mitigation Team. To obtain information regarding a Deed-in-Lieu, please contact Brice's firm at (800) 766-7751.

Should you have further questions, please contact our Bankruptcy Department at (866) 326-5235.

Sincerely,

Bankruptcy Department

IF YOU ARE NOT OBLIGATED ON THE DEBT OR IF THE DEBT HAS BEEN
DISCHARGED IN A BANKRUPTCY PROCEEDING, THIS IS FOR INFORMATIONAL
PURPOSES ONLY AND IS NOT AN ATTEMPT TO ASSESS OR COLLECT THE DEBT
FROM YOU PERSONALLY.

Doc ID: 663826